

LOWER PAXTON TOWNSHIP  
PLANNING COMMISSION

June 13, 2007

**COMMISSIONERS PRESENT**

Fredrick Lighty  
Dennis Guise  
Richard Beverly  
William Neff

**ALSO PRESENT**

Mike Hess, HRG  
Chip Millard, Dauphin County  
Dianne Moran, Planning & Zoning Officer  
Lori Wissler, Planning & Zoning Officer

**Call to Order**

Mr. Lighty called the regular meeting of the Lower Paxton Township Planning Commission to order at 7:06 pm, on June 13, 2007 in Room 171 of the Lower Paxton Township Municipal Center, 425 Prince Street, Harrisburg, Pennsylvania.

**Pledge of Allegiance to the Flag**

Mr. Beverly led the recitation of the Pledge.

**Approval of Minutes**

Mr. Neff made a motion to approve the minutes of the May 9, 2007 meeting. Mr. Beverly seconded the motion, and the minutes were unanimously approved.

**OLD BUSINESS**

**Preliminary Subdivision #06-46**  
**Charleston Riding**

Ms. Moran stated that the Township has received a plan that encompasses 19.08 acres and is located at 6500 Union Deposit Road, west of Copperstone Road. The purpose of this plan is to create seventeen new single family residential detached building lots. The minimum lot size proposed is 20,000 square feet. The open space area of the plan includes 7.63 acres.

On April 17, 2007 the Lower Paxton Township Board of Supervisors approved the preliminary/final lot consolidation plan for Lawrence Conjar (#06-47) for this property.

On May 29, 2007, the Lower Paxton Township Board of Supervisors approved the application to amend the Township's Zoning Map for the Conjar property from AR, Agricultural Residential, to an Open Space Overlay District by Ordinance 07-02.

Ms. Moran stated that the applicant has requested the following waivers:

1. Requirement to provide sidewalk.
2. Requirement of centerline radius to allow a decrease.

Mr. Mike Mazzacarro, developer, and Tim Wakefield, engineer, were present on behalf of the plan.

Mr. Mazzacarro stated that he is a co-developer with Lawrence Conjar. He explained that this property was purchased a year and a half ago, and necessary preparations began to develop the land. They have attended numerous workshop meetings with the Board of Supervisors. The plan presented today is a culmination of those meetings and the requests/wishes of the Supervisors as well as PennDOT's input with regard to Union Deposit Road. There is a gray area to the west, adjacent to the park that the Supervisors had indicated an interest in annexing that land to the park. At a meeting held last night, residents expressed that they preferred that not be done because the trees would be removed from that densely wooded part of the lot. It is the developers as well as the Supervisors intentions to keep as many of the existing trees as possible. Mr. Mazzacarro stated that they have agreed to contribute \$25,000 to the Parks & Recreation Board. They also agreed to relocate the volleyball court to an area that they designate, and provide in that area 15 or 16 parking spaces. The Parks & Recreation Board and the neighboring residents agreed that was very important to them. They have also agreed to bring electrical service to the park so that the tot lot and pavilion can be used at extended hours. That will cost about \$60,000. Mr. Mazzacarro stated that he is also required to pay a \$2,300 per lot fee-in-lieu of recreation.

Mr. Neff asked if the area designated as open space 1 is usable land. Mr. Mazzacarro stated that in its present state it is not, but could be with the removal of the trees and filling the ground. That was an option, but it is only 3,500 feet, and given the nature of the land, the neighbors would rather see that be kept as a buffer area to their homes. Mr. Neff stated that the open space is not intended to be usable space to the residents.

Mr. Neff asked if open space 2, the land including the pond, will be offered to and accepted by the Township. Mr. Mazzacarro stated it will be owned by the homeowners association, as well as the other open spaces. Mr. Neff noted that homeowners may not like the responsibility or liability of owning the pond, and asked how that would be addressed if it became an issue. Mr. Mazzacarro stated that the homeowners association would be the owner of all of the open space by virtue of the deed. The developer would secure insurance to take care of that and any precautions necessary.

Mr. Neff asked what portion of the 5.65 acres would be usable for activities such as tot lots. Mr. Mazzacarro stated that that area could be used for paths. The Board of Supervisors has requested that no structures be permitted in that area, the removal of any trees not be permitted, and no improvements be made. They have made it very clear they want it to stay in its natural state. Mr. Mazzacarro understood that to mean that residents could have access to the land for activities such as to walk or picnic, but they could not do anything to enhance that. Mr. Mazzacarro emphasized that these are the wishes of the Board of Supervisors. The reason for the association owning that area, versus the land being divided up with each individual land owner, is that a homeowners association would be able to legally enforce the

restriction on the infringements on that area. Mr. Neff asked if that meant that the homeowners association would own 5.65 acres but do nothing with it. Mr. Mazzacarro answered yes.

Mr. Tim Wakefield, Act One Consulting Engineers, stated that he has received comments from Staff, County and HRG. Mr. Wakefield stated that he had a question with regard to the comment that says a waiver is required for the 60 foot right-of-way, he viewed that requirement as a minimum of 50 feet. Mr. Hess explained that the comment is asking that the dimensions be shown on the plan. Mr. Wakefield agreed and had no problem with that.

Mr. Wakefield stated that a yield plan was not required of this plan. Ms. Moran agreed.

Mr. Guise asked if the name of Buckingham Road will be changed. Mr. Wakefield answered yes.

Mr. Neff asked if the amount of open space meets the ordinance. Ms. Moran stated that it does meet the ordinance.

Mr. Neff asked the grade of the new road. Mr. Wakefield stated it is 7-8%. Mr. Neff stated that there is a waiver request for sidewalks, and asked if the developer considered it safe to have people walk in the cartway considering the grade. Mr. Wakefield stated that they propose installing sidewalks on one side, as exists in Kings Crossing, but defers to the Planning Commission's judgment.

Mr. Millard, Dauphin County, stated that the comments generated by the County were prepared some time ago, and some may no longer be relevant due to the many revisions that have occurred since. Mr. Millard asked with regard to comment #2, if the site of the dwelling unit in lot 4 has been relocated out of the steep slope area. Mr. Wakefield stated that it was changed due to DEP Chapter 105 regulations concerning crossings. They pushed the driveways close together rather than extend the culvert.

Mr. Millard noted with regard to comment #4, that the open space may have limited access to the public street. Mr. Wakefield stated that there is frontage on the east and west sides along the road. Mr. Wakefield noted that he is reluctant to call it access, because the intention is to keep people from attempting to landscape it, and the open space is intended for a natural buffer from the existing neighbors.

There was no public comment on this plan.

Mr. Guise made a motion to recommend approval of the plan and approval of the waiver of sidewalk on one side of the street and the centerline radius to allow a decrease as requested, subject to the comments generated by Staff, Engineer, and County, except for Engineer comment #11 which is not applicable. Mr. Beverly suggested adding to the motion to include that some type of safety be put in place for those people entering around the pond. Mr. Guise further recommended that the developer work with the Township to determine if and what safety measures are appropriate in or around the pond. Mr. Neff felt that open space normally has some recreational use, and felt that some sort of requirement should be placed on the seller to disclose to a potential buyer that there is open space on the property

owned by the homeowners association which they will have a divided interest in. Mr. Guise agreed that is a good suggestion to the seller, but did not feel it was appropriate in the subdivision process. Mr. Beverly seconded the motion. Mr. Lighty asked about the requirement to install safety measures around the pond. Ms. Wissler stated that the ordinance does give that discretion to the Board of Supervisors, who generally defers to the engineer, who study the depth and slope of the pond to make the recommendation. Mr. Hess noted that such a recommendation is usually provided regarding proposed facilities, not existing ones. Mr. Neff asked the depth of the pond. Mr. Hess stated that an existing pond is not generally surveyed beneath the surface during a subdivision process.

The motion passed with a 3 to 1 vote: Mr. Neff-no; Mr. Beverly-aye; Mr. Guise-aye; and Mr. Lighty-aye.

**Preliminary/Final Land Development Plan #07-02**  
**TNP Carwash**

Ms. Moran stated that the Township has received a plan for the construction of a carwash at the corner of Peiffers Lane and Briarsdale Road. The property is Lot #2 of the preliminary/final property consolidated subdivision plan for Members 1st Federal Credit Union. The property consists of approximately two acres, is zoned Commercial General and will be served by public sewer and public water.

On March 14, 2007, the Planning Commission tabled action on the plan to allow the applicant the opportunity to address outstanding comments.

Ms. Moran stated that the applicant has requested a waiver of the preliminary plan requirement.

Mr. Dave Weihbrecht, of Alpha Consulting Engineers, was present on behalf of the plan.

Mr. Guise asked if the revised plan addresses the comments. Ms. Moran stated that it addresses most of them and the exception is that there is a residence behind the carwash which limits the hours and changes the buffer requirements. She noted that after researching through the County records, the neighboring property is a residential use.

Mr. Weihbrecht stated that when revising the plan, it was unclear if the structure behind was a residence or a home-based business, so he noted in his cover letter that he would be happy to change the buffering should the structure be determined to be a home. There is extensive landscaping shown in the 30-foot strip, but does not necessarily include the required species. Mr. Weihbrecht will change the plan accordingly.

Mr. Guise asked about the hours of operation. Mr. Weihbrecht stated that they will abide by the regulations set forth in the ordinance.

Mr. Weihbrecht noted that, with regard to HRG's comment about USGS datum, the benchmark used was the one used for the Members 1<sup>st</sup> plan recently approved, which may or may not be USGS

datum. Mr. Hess agreed that a note on the plan stating the difference between the datum used and the USGS datum would be sufficient, if the datum used is not USGS datum. Mr. Hess noted that a waiver is required, and he would support such a waiver if the note is provided. Mr. Weihbrecht will provide the waiver request in writing.

Mr. Neff made a motion to recommend approval of the plan and approval of the waivers, subject to the comments generated by Staff, HRG and County. Mr. Beverly seconded the motion and the motion was passed unanimously.

**Preliminary/Final Land Development Plan #07-05**  
**LenMaur**

Ms. Moran stated that the Township has received a plan for the construction of a restaurant, day spa salon, and office building. The restaurant and day spa salon will be located along the frontage of the property and the office building will be located in the rear of the property. The site is located along the north side of Linglestown Road between existing Weis Market and Dunkin Donuts. The property consists of 9.407 acres, is zoned Commercial Neighborhood and will be served by public sewer and public water.

On April 11, 2007, the Planning Commission tabled the plan in order to allow the applicant the opportunity to address the outstanding comments.

Ms. Moran stated that on May 3, 2007, the applicant appeared before the Zoning Hearing Board for Special Exception #07-01 to reduce the required number of parking spaces from 457 to 427. The Special Exception was granted with the following conditions:

1. the total number of restaurant seats shall not exceed 587;
2. the north lot shall be designated for valet parking and shall be closed off at 11:00 pm for the restaurant patrons and valet parking; and
3. the applicant shall designate, on its land development plan, space sufficient for the creation of thirty parking spaces in accordance with the provisions of the zoning ordinance.

Ms. Moran stated that the applicant has requested the following waivers:

1. Requirement to provide a preliminary plan.
2. Requirement to provide the sidewalk within the street right-of-way line. (The applicant has requested to locate the sidewalk behind the street right-of-way line.)

Mr. Craig Bachik, Kairos Design Group, was present on behalf of the plan.

Mr. Guise asked if the revised plan addresses the comments. Ms. Moran stated that the Township has not yet received the traffic impact study.

Mr. Bachik stated that he has received comments from Staff, HRG and County (original review). He noted that the only outstanding comment is the traffic impact study which has been delayed by PennDOT's review of the scope. As soon as that is completed it will be submitted to the Township. Mr. Lighty stated that the traffic impact study is an important factor in this decision. Mr. Bachik agreed, and noted that he does not anticipate any surprises. There will be a left-in left-out onto Linglestown Road, and there will be cross access agreements with the properties on both sides of the development allowing access to Colonial Road and Patton Road which both have signalized access to Linglestown Road.

Mr. Neff noted that it appears that there is a stub shown and asked if there will be vehicular access to the Weis Markets parking lot. Mr. Bachik answered yes. Mr. Neff asked if there will be pedestrian traffic. Mr. Bachik stated that the pedestrian circulation on-site is handled by walkways. It was suggested by the Zoning Hearing Board that there be pedestrian access through the Weis parking lot as well.

There are existing cross-access easements that are being modified with both property owners. Mr. Guise asked if the drawing submitted reflects the modified easements. Mr. Bachik answered that it does.

Mr. Beverly asked if any consideration has been given to making the access drive going in front of the restaurant a one-way. Mr. Bachik stated it has been considered, but there is adequate width and there may be a benefit to keeping it as two-way.

Mr. Lighty asked if the height of the canopy will be at least 13'6". Mr. Bachik stated that it will comply with the comments from the fire marshal. Mr. Lighty asked about the location of the fire department connections. Mr. Bachik stated that has been addressed.

Mr. Neff asked about the comments from Police Chief Bair. Mr. Bachik noted that there are sufficient handicap spaces. He also noted that a waiver of curbing is not being requested. He has no problems with the other comments.

Mr. Guise speculated that this will be the largest in the region, and asked about the traffic study information. Mr. Bachik did not think there would be any substantive changes over the next month, but agreed to let that up to the Commission.

Mr. Lighty asked if the applicant has signed a time extension yet. Mr. Bachik stated that that is in the process of being signed and returned to the Township. Ms. Moran confirmed that she has not received it yet. Mr. Lighty asked if the applicant intends on extending the time review period. Mr. Bachik answered yes.

Mr. Guise made a motion to table action on the plan, in order to allow the traffic study to be reviewed before action is taken. Mr. Beverly seconded the motion and the motion carried unanimously.

**NEW BUSINESS**

**Ordinance #07-05**

**Rezoning Request for Locust Lane, Parcel 35-061-032**

Mr. Millard stated that this rezoning request was initiated by Staff. The Dauphin County Planning Commission has reviewed the request to rezone tax parcel 35-061-032, the Parmer Family tract along Locust Lane west of Fairmont Drive, from R-C, Residential Cluster to IN, Institutional District.

Mr. George Parmer, owner and developer of the tract, was present on behalf of the request.

Mr. Millard stated that the Township's Comprehensive Plan identifies the future land use for the area in question as being Low/Medium Density Residential. This future land use is more consistent with the existing zoning district, R-C, than it is with the proposed zoning district, IN. There are some permitted residential uses within the IN District, though all of these uses, residential retirement development, existing dwelling units used as group homes, nursing homes, and personal care home/assisted living units, have restrictions as to who can live within the units or how the dwelling units are used. The R-C District, while also having some restrictions on the types and densities of the allowed dwelling units, does not have as many restrictions on who can live within the zoning district.

The Institutional District allows a wider variety of non-residential uses than the RC District. Most of the uses allowed in the IN District, but not in the R-C District, are classified as "Institutional/Semi-Public Uses". Some of these uses include college/university educational support buildings, cultural centers/museums, child and adult day care centers, hospitals, membership clubs, nursing homes/assisted living facilities, and government facilities. A few of these uses, such as hospitals, could have a relatively large community impact not typically associated with lower density residential uses.

Dauphin County's draft Comprehensive Plan identifies the future land use for the tract as being residential. As noted, the R-C District is more compatible with residential uses than the IN District.

It is the Dauphin County Planning Commission's understanding that the applicant is looking to create a residential retirement development on the tract being examined. Residential retirement development is allowed in the IN District, but not in the R-C District. However, the age-restricted residential development is similar to the residential retirement development and is permitted in the R-C District. Excluding apartment units, most of the common housing types allowed in residential retirement development are also allowed in an age-restricted residential development. The regulations within age-restricted residential retirement development areas are generally more restrictive than in a residential retirement development. The former type of development a) requires 100% of the units to be occupied by a person 55 years or older or a physically disabled person, rather than 80% of the units; b) does not allow ancillary commercial retail and office conditional uses; and c) has a lower maximum residential unit density than a residential retirement development. Nonetheless, an age-restricted residential development would be permitted within the R-C District and could accommodate similar kinds of uses as residential retirement development within the IN District. The Township should

examine the relative merits and drawbacks of residential retirement development in the IN District and age-restricted residential development in the R-C District before taking action on the rezoning request.

It should be noted that the maximum residential unit density for residential retirement development in the IN District is 12 units per acre which would probably be considered high density residential development within the Township.

Mr. Millard noted that much of the development and zoning surrounding the tract, particularly to the west and north, is low density residential in nature. Conversely, there is an existing Institutional District and use south of the tract across Locust Lane, the Dauphin County Technical School. Also, there are existing apartment complexes, i.e. high density residential development, a short distance east of the tract, though not adjacent to the tract, near the Locust Lane/Nyes Road intersection.

There has been some consideration by the Township about modifying the residential retirement development regulations within the IN District. If the Township agrees to make the requested zoning change from Residential Cluster to Institutional for the tract in this request, it would probably be preferable if a final decision were made about the desired regulations for residential retirement development before official action is taken on this rezoning request.

Mr. Millard noted that the Township's Comprehensive Plan Future Land Use Map identifies a new collector road that would connect Locust Lane to Devonshire Road near Paxton Towne Centre. This proposed road would cut through the middle of the tract being considered.

The Dauphin County Planning Commission recommends the proposed zoning change from R-C, Residential Cluster to IN, Institutional District be approved, with the following considerations:

- A) The Township should reevaluate the future land use identified in its Comprehensive Plan. As noted, the current future land use for the Parmer Family tract is low/medium density residential. An Institutional District use would be more accurately identified as being an institutional future land use because the IN District allows both high density residential and non-residential types of uses to occur.
- B) The Township should receive assurances the tract in question will be used for residential retirement development. The Dauphin County Planning Commission believes the proposal to construct a retirement development will be beneficial to the area's aging population needs. However, the DCPC also wants to ensure that the proposed development is targeted towards residential retirement development and the development that does occur is not overly intensive and incompatible with the surrounding uses.

Mr. Kerschner explained that the Parmer Foundation proposes to construct 360 residential dwelling units for independent active adults in three 6-story buildings. The units will be one and two bedroom studio style residences to provide viable housing options as local residents grow older and may no longer have the means and/or desire to live in and maintain a larger older house. This project would fill a void in the local housing market for healthy independent seniors. The Parmer Foundation is proposing a non-profit project to promote affordability for seniors.



Mr. Kerschner stated that the Foundation applied for a variance for the project, but the Zoning Hearing Board did not feel there was a specific hardship to allow them to grant the variance, although they were supportive of the project, and suggested the applicant seek a rezoning. Mr. Kerschner stated that they then met with the Board of Supervisors and the Planning Commission at a workshop to discuss the plans. It was at those meetings that they suggested the applicant pursue a rezoning and they were supportive of such change.

Mr. Kerschner noted it would not be considered spot zoning since the Institutional District is across the street at the school and the Public Works facility. Mr. Kerschner stated they intend to build a residential retirement. He could not provide any assurances of his statement, because that would be contract zoning, which is illegal.

Mr. Kerschner felt there was a great need for this type of use, and noted that Pennsylvania is second in the county in age only to Florida. There is no desire to compete with the other residential retirement developments in the area, and he noted that they are different types of housing. The goal of the foundation is affordability.

Mr. Kerschner stated he was present at the County Planning Commission meeting and fully supports the two conditions proposed.

With regard to the future connection of a street through the tract, Mr. Kerschner noted that they intend to concentrate the buildings towards the eastern portion of the tract so there will be some flexibility if the Township should plan a road through there. There are some environmental challenges in that area as well.

Mr. Neff asked if the request were denied, can the development be built under the R-C zone, and what would the differences be between the R-C and the IN zones.

Mr. Kerschner stated that a plan has already been approved for the front portion of the tract under the R-C. According to the R-C regulations, the plan submitted with the request to zone it to R-C is what has to be developed. It proposes single family homes on less than a half acre lots, and would not accommodate the development proposed by the Parmer Family. Mr. Neff asked if the plan that went with the R-C zoning change can be abandoned by a new owner. Mr. Kerschner stated it cannot, because R-C is an overlay zone so the plan submitted at the time is tied to the tract. Mr. Guise agreed that Mr. Kerschner's statements are correct.

Mr. Lighty called for comments from the audience.

Ms. Janis Macut, 1509 Pine Hollow Road, stated she was present at the last meeting this project was presented, and was concerned that the 20% of the units that would not be age-restricted might become low-income housing or renters. She was also concerned with the construction equipment using Locust Lane over the ten years of construction. She was also concerned with the additional traffic using Locust Lane and not another side road. She noted that the project on Union Deposit Road has had nothing but construction traffic for years. Ms. Macut was not in favor of that kind of traffic in the area

and felt the roads would not support that situation. She was opposed to the change to the Institutional District because it is just a fancy way to get around the rules to do what they want to do. Ms. Macut felt the developer should come up with a better plan and find a back door entrance rather than rely solely on Locust Lane.

Mr. Dennis Dyckman, 1505 Pine Hollow Road, stated that he was concerned that a six-story building is out of sequence for the surrounding area, and noted that the DCTS is only a two-story building. He was concerned that the density would go from 3-4 units per acre up to 12 units per acre. The traffic will be really increased. He noted that even though the balance of the acreage is not planned for development now doesn't mean it will not be developed in the future. He noted that Locust Lane currently backs up with traffic almost to the site in question in the morning and evening, and headed westbound on Locust Lane the traffic backs up a mile before the light at Prince Street. He felt that low density residential development would be perfectly acceptable for the tract, and did not feel it was appropriate to institutionalize this area.

Stephanie Krebs, 5920 Locust Lane, stated she lives immediately adjacent to the tract and she has lived there for seven years. She has a two-, four- and five-year old, and they cannot play out front because the traffic is extremely heavy. She could not imagine adding any more traffic there and had many concerns about that. She moved to this Township because she thought it was safe and a nice place to raise her children, and will be the first to move should the area continue to develop. Ms. Krebs asked what will be done about the deer and fox and all the animals being displaced. There is nowhere for them to go. You are pushing the livestock to one tiny 36-acre piece of land. She asked if the woods would be taken away too and how close to the creek and how high will they go.

Ms. Darlene Benner, 5913 Shope Place, was concerned that Shope Place would be opened up to the traffic from the development and that would mean that sidewalks would need to be installed and the road would have to be widened. Ms. Benner stated that in July when the applicant came before the other Board, they were told that even the fire company couldn't handle a six-story building, and noted this would be the first six-story building in the Township. She was in agreement with Ms. Krebs that houses should be put on that land. Ms. Benner asked if there was a protected area of land over the hill. Mr. Lighty stated there is a wetland as shown on the map, and that is a protected area, so nothing can be built there. Ms. Benner stated she sits in traffic waiting at the Prince Street light all the way back by St. Ann's Church. She had sent a letter to the Township 10 years ago asking them to install a light at Locust Lane and Nyes Road, as she has seen many accidents there. She was told a light couldn't be put there because the road would have to be widened and it couldn't be widened. Mr. Lighty stated that that is a state road intersection, and it is theirs to fix. She stated that the number, height or what kind of buildings were not disclosed. She thought there was a problem with parking because each family there would have two cars, and added that even 55+ couples would have two cars.

Mr. Al Schroff, 1441 Haney Drive, stated that he was also at the last meeting, and agreed with everyone that has spoken for public comment. His largest concern is switching it to an Institutional District. The reason is that the proposed plan is crowding all the buildings to the church-side of the lot. That means that half of the lot would be vacant. He has heard that there will be a law prohibiting gasoline engines for lawn mowers, trimmers, hedge trimmers, chain saws and enacted as early as 2010. If this happens, everything will have to be electric, so they may get tired of maintaining the other half of

the lot and sell it off. The scary part is that any Institutional use could go there, even a prison or juvenile detention facility. The only road that can handle traffic is Locust Lane, and that is limited. Nyes Road and Fairmont Drive certainly cannot handle it. The best access to I-81 is Nyes Road, which is a nightmare. The best access to the Friendship Center is Fairmont Drive which can be deadly. Locust Lane is a nightmare just from traffic alone, let alone the condition of the road. He does not want to see the area switched to Institutional District, because of the reasons he mentioned as well as the reasons the other people have said.

Mr. Marshall Sellers, 5916 Locust Lane, stated he has lived there for 58 years. He felt it was difficult to discuss something that was discussed in March, because it was hashed out then. The Board of Supervisors at that time said no, and doubted that there was any place in Lower Paxton Township to approve this type of building. There would be too many problems. The traffic and inconvenience were discussed at that meeting as well as tonight's. He hoped that the Planning Commission would end this meeting the way the Board of Supervisors ended theirs, and agree with the public that this is not the place for this type of building.

Ms. Beverly Hoover, 5911 Colwyn Drive, stated she has lived there for 35 years. When she moved in it was all farms and the Vo-Tech. Ms. Hoover stated she worked for the Area Agency on Aging and she is very familiar with senior high-rises, subsidized housing, and she knows what they bring. In addition to traffic, there are types of individuals that are attracted that are not there now. The Township, and especially this area, is changing and seeing different types of people around. She didn't know if crime would increase, but she felt that they would be bringing a type of population that may be undesirable to some of the residents. Ms. Hoover stated that the developer proposing this property lives on a very large piece of property, and would not be affected by anything like this. His area is quiet and low traffic. Her concern is what this is going to bring in, and as a social worker and she has seen a lot, and doesn't want to see that in her community.

Mr. Roger Krebs, 5919 Shope Place, has lived next to the field for 37 years. He is in support of every comment made tonight and hopes that the Commission is in support of their comments and would not pass this.

Mr. George Parmer, developer, stated the reason to try to do this project is that he has seen a lot of people that cannot afford a decent place to live. He attends church next to this tract, and sees some neighbors in the audience that would be the type of people that really need a place like this. He understands the concerns raised, but stated that the plan is to put up a building with bus service to be a service to people like them. They want a place to live with no maintenance. They can do a lot of wonderful things with this project but they need the help of the people. They would never put anything up to hurt the neighborhood.

A resident asked what kind of buildings were proposed. Mr. Parmer stated that they would be the same as previously proposed. She asked if it would be tax-exempt. Mr. Parmer stated it is a non-profit venture, strictly a way for his family to give back to the community. They are not there to make money, they are trying to provide for people such as the Ritchies, who live too far from church to attend because they cannot afford to live closer. There are a lot of benefits to people living there being able to get to the church. The building could be attached to the church, so they can walk to church without

being in the weather. Mr. Parmer understood and appreciated all the comments, and noted he is not trying to hurt the community.

A resident asked how many stories are proposed. Mr. Parmer stated that in order for it to work economically, there would be six stories in three buildings. She asked if he was told that the fire company could not handle a building of that size. Mr. Parmer stated that the fire company did support the building. Their comments were that they supported the project because it would be built in such a manor that it would work. She asked if they would have to buy new equipment. Mr. Parmer answered no, there would be fire suppression within the building, and there would be driveways completely around the building allowing access for the equipment. She stated the buildings would be six stories tall. Mr. Parmer stated that across the country this is not the first six-story building. She noted this would be the tallest in the Township. Mr. Lighty stated that the fire company did say their ladders can reach six stories, and the buildings will have sprinklers, and the fire company was okay with it if there was a driveway around it.

A resident asked how many residents would occupy the building. Mr. Parmer stated there would be 300 units. The resident asked if there would be two cars per unit. Mr. Parmer stated that that is probably not the case given the project. She asked if he could guarantee that. Mr. Parmer answered no, but there would be enough parking, even if it meant underground. She stated her concern was traffic. Mr. Parmer stated he has that concern as well, and would provide a bus service on a regular basis. She stated that her mother-in-law is elderly and has to make an appointment to get a bus to come get her and it is at the bus' convenience. Mr. Parmer stated it is not a city bus or township van, the bus would be provided by the Foundation like a shuttle only for the residents of the project.

A resident asked how things like drugs and crime will be prevented since Mr. Parmer cannot control who gets low income housing. Mr. Parmer stated that all of the money comes from the Parmer Foundation. The resident stated that the laws say that Mr. Parmer cannot control who rents in the building. Mr. Parmer stated that if he is providing all of the funds, he certainly can control who rents there.

Mr. Lighty suggested that a community meeting be held at another time for additional questions from the community.

Mr. Tim Murphy, 1524 Pine Hollow Road, stated he moved away from a situation like this in Swatara Township that was centered around low income and foundations. He asked what prevents this from becoming Section 8 HUD subsidized housing. Mr. Parmer stated that is not what this is, and it does not necessarily have to be low income, it is for people with a need.

Ms. Wissler noted that in the Residential Retirement District there has to be at least one person aged 55 or older, and no one under 18 may be there more than three months.

A resident stated that the Foundation will not have to pay taxes like the rest of the people. Mr. Parmer stated he will have to pay real estate taxes on the property. Mr. Lighty agreed.

A resident asked if the Commission could get three stop signs at Locust Lane and Nyes Road. Mr. Lighty explained that the State says the obstacle is the rock bank that would have to be cut away, and the Township is pushing and has been pushing the State to come in and do it every opportunity it has. Ms. Wissler agreed.

Mr. Murphy stated that he had no idea about this development until a neighbor notified him. He was not concerned with the specifics of the buildings themselves, but the project in its entirety is out of character with the neighborhood. He felt that the argument that the DCTS is in the Institutional District is not a valid point since the school has been there forever. It is a two-story community resource, this is a private enterprise. He felt that Mr. Parmer bought the property with the R-C zoning and should have known at that time about the limitations of the land.

Mr. Guise asked staff to briefly review the history of this tract. Ms. Wissler stated that the Township recently adopted a new zoning ordinance and a new zoning map in July 2006. There were several joint meetings with the Board of Supervisors and Planning Commission. After completing the process the Township realized some areas were not zoned appropriately, and decided to have those areas go through the rezoning process. Mr. Guise asked about the prior action taken on this tract. Ms. Wissler stated that the applicant went through the variance process and although the Zoning Hearing Board felt it was a good idea, they felt it should go through other avenues rather than a variance. When the Township reviewed the new zoning ordinance it felt that the Institutional District would be appropriate.

If the rezoning were approved, then the developer would have to come in with a land development plan which would detail the parking and access and all the other aspects. Ms. Wissler noted they would have to do a traffic study to see what improvements they would have to make to the surrounding roads.

Mr. Guise stated that the only thing before the Commission tonight is the rezoning of the land, and the details of the plan will come back before the Commission at another time with the land development plan. The zoning of the land is based on the needs of the entire Township. The decision made tonight will be based on whether the Township should change this land from R-C to IN based on the information before them and the overall needs of the Township, while taking into consideration the comments presented by the community as well as the Dauphin County Planning Commission.

Mr. Neff felt that the project has merit, but he does have concern about the impact to the area. He asked if only a portion of the tract could be rezoned. Mr. Lighty stated that the application the Commission is to act on is for the entire tract.

Mr. Lighty asked how many total units would be permitted on the tract under the R-C zoning. Mr. Lighty noted that the choice is between an R-C with high density townhouses with the occupants working and generating a lot of traffic, and the Residential Retirement which is known to generate less traffic. Mr. Lighty stated he lives in the area and agrees with the residents that traffic is a huge problem on Locust Lane, and he wants to see Locust Lane improved. Whatever is developed on this land, will have to address all of these problems, and contribute to improvements at Locust Lane and Fairmont Drive, but also to the bridge at the bottom of the hill on Fairmont Drive. These are the things that will be worked out at the appropriate time. The decision before the Commission is if it is in the best interest

of the entire Township to rezone the property. Requiring it to stay an open field is not an option, and the Constitution of the United States says a property owner has rights to develop on his property, although it can be regulated.

Mr. Guise made a motion, based on the information provided and recommendation received from Staff and Dauphin County Planning Commission, to approve the request to rezone the tract known as 35-061-032 from R-C, Residential Cluster to IN, Institutional District. A unanimous vote followed.

**Ordinance #07-04**  
**Rezoning Request for 4141, 4151, 4153 Linglestown Road**

Ms. Wissler stated that the proposed rezoning has been initiated by the Township as a result of reviewing the zoning map as adopted in July 2006. The three properties are 4141, 4151, and 4153 Linglestown Road and are currently zoned BC, Business Campus, and contain retail oriented commercial properties. The businesses are Sports City, Rita's Italian Ice, a drycleaner, and Italian Delight. All properties have access to Linglestown Road. The properties are surrounded by the CN, Neighborhood Commercial District to the east to Colonial Road, and to the south it is zoned R-2, Medium Density Residential District which is the Village of Pheasant Ridge.

Mr. Millard stated that the Township Comprehensive Plan's future land use map shows this area to be Business Campus, which is inconsistent with what is being proposed. However, the tract immediately east of the three tracts is now CN, so there is a precedent to change to a zoning for a use that is already more consistent than BC. The Dauphin County Draft Comprehensive Plan shows the area to be Commercial Service along Linglestown Road, and Residential back behind Linglestown Road. The rezoning request is partly consistent with the Comprehensive Plan. The County Plan does not distinguish between commercial retail and commercial office uses. Each of the three parcels in this rezoning request is already developed and all three parcels contain retail oriented commercial properties. These types of uses are more consistent with the CN zoning than with the BC zoning.

Mr. Millard stated that the Dauphin County Planning Commission recommends the proposed zoning change from BC to CN be approved. The existing development on the three parcels is compatible with the CN District, and these parcels are adjacent to a CN zone to the east along Linglestown Road. Though the County Comprehensive Plan identifies part of these tracts as being in a residential future land use area, it makes sense to have all three tracts entirely rezoned to CN, largely because each of the three tracts is small and each of them only has access onto Linglestown Road.

Mr. Neff stated that when the adjacent property came in for a rezoning the Township limited how far back the commercial zoning went. These lots are shown at various depths and Mr. Neff asked how far back from the road the commercial zone should go, and felt it should be the same straight across. Ms. Wissler stated that the Triple Crown property that is currently zoned CN is about 600 feet. It was kept even with that line. The request before the Commission is asking for the entire tracts, which are not deeper than the Triple Crown Property. Mr. Lighty noted that two of the lots have CN behind them already.

There was no comment from the audience.

Mr. Lighty asked if notices went out about the rezoning. Ms. Wissler answered yes.

Mr. Neff made a motion to recommend approval of Ordinance 07-04. A unanimous vote followed.

### **Ordinance #07-01**

Ms. Wissler stated that the changes contained in this ordinance were initiated by staff after use and further review of the zoning ordinance and map adopted in July 2006.

Mr. Millard stated that the Dauphin County Planning Commission staff has reviewed the request by the Township to make various text amendments to its 2006 Zoning Ordinance. These comments should not be considered official DCPC comments; those comments will be made at its regularly scheduled meeting on July 2, 2007. However, these comments will probably be similar to the official comments made at the July 2007 meeting. Not all of the proposed zoning ordinance changes are discussed in this review; if a change is not discussed, the DCPC staff supports or does not have any issues with the proposed change.

After reviewing the proposed zoning change, the DCPC staff offers the following comments about the request:

Part 2. Definitions, Section 202, definitions for “Yard” and “Yard, Front” – the Township should consider adding a definition for “ ‘future or ultimate’ right of way” to the zoning ordinance.

Part 3. Districts Section 306.B.2.a, Commercial Neighborhood District uses – the township should consider separating the lot size and setback regulations for Commercial Neighborhood and/or Office Neighborhood uses from those for Commercial General uses in Table 307.A. The intent of the two, mostly non-residential districts, is to have lower intensity commercial (CN) or office (ON) development that is compatible with nearby residential development. The areas in the Township where those districts are located largely are consistent with that purpose. However, larger-scale commercial or office development is currently possible within the CN and ON Districts that would be less compatible with residential development. If single family detached dwellings are allowed in the CN District, the possibilities for commercial development that has a negative impact on adjacent or nearby residential development increases.

Section 310.D, Single Family Dwellings and Steep Slopes – Section 310.C may already cover the desired provisions of the proposed modification to Section 310.D. Section 310.C says “a new principal building shall not be located on a slope greater than 25%”. If the proposed change to Section 310.D is made, it may be better to have that clause say “new single family detached dwellings are not permitted on slopes that are 25% or greater”.

It may be preferable if the portions of the current section discussing lot size restrictions in certain districts due to steep slopes are retained. The proposed modification would significantly reduce

sensitive natural feature protection in areas with precautionary slope (15-25%). The Township could explore creating regulations that are less restrictive in precautionary slope areas than the current regulations but more restrictive than the proposed regulations. Also, it may make sense to have stricter regulations in the upper half of the precautionary slope range (20-25%) than the lower half of that range (15-20%).

Section 315.D, in Age Restricted Residential Development section – the township may want to specify a maximum slope for walkways to be used by older persons. The maximum slope specified may or may not be related to ADA requirements.

Section 319.G.16, in Residential-Retirement Development section – the Township may want to specify a maximum slope for walkways to be used by older persons. The maximum slope specified may or may not be related to ADA requirements.

Section 319.G.5, in Residential-Retirement Development section – residential-retirement development (RRD) currently is only allowed in the IN District. Also, the current maximum building height in any residential or mixed use zoning district is 45 feet, in the TND District. DCPC staff recommends the maximum building height in a RRD be no more than 45 feet, or more accurately no more than the maximum permitted dwelling unit height in other higher density residential or mixed use districts, specifically the R-3 District and the TND District. The maximum building height for non-residential uses in the IN District is currently 70 feet.

Section 319.H, in Residential-Retirement Development section – DCPC has various comments about this particular, proposed section. They include:

- a. As currently constituted, the zoning ordinance only allows two types of residential uses in the Institutional District – Residential-Retirement Development and Group Homes. It does not appear group homes have an age or physical disability restriction requirement. In part, for that reason, it may not be appropriate to have group homes adjacent to residential-retirement development. Neither the existing nor the proposed regulations appear to address if and how group homes proposed for the IN District are regulated relative to residential-retirement development.
- b. The first sentence in proposed Sections 319.H.3 and 319.H.3.a should be changed to say a minimum of 60%/70% of the dwelling units in the entire development would meet the age restriction requirements.

Mr. Lighty asked Ms. Wissler if that comment is correct. Ms. Wissler stated that it should say minimum.

- c. As the Township's and region's population ages, a higher percentage of people will qualify to live in age-restricted areas such as residential-retirement development areas. Lowering the minimum threshold for a residential-retirement development may make those kinds of developments less unique relative to other developments in the Township, lowering their attractiveness to potential residents.



- d. The proposed change to the residential-retirement regulations in the IN District would allow more conventional, “suburban-style” development to occur in the non-age restricted portion of the development. Depending on the required densities in both the age-restricted and non-age-restricted portions of the development, the actual development density in the non-age-restricted portion could be fairly low. The IN District was not intended for low density residential uses, though it does allow for various low to moderate intensity non-residential uses. If Section 319.H is implemented, it may be a good idea if the non-age restricted portion of the development include maximum lot sizes for various residential uses, to prevent true low density residential development from occurring. The land not used for the residential units could then be used for open space or park-like uses currently permitted in the IN District. These open space/park-like uses could benefit the residents of both the non-age-restricted and age-restricted portions of the development. It should be noted the Township has placed many of its existing community facilities into IN District areas.

Section 320.E.5, in Residential Cluster District section – the Township may want to modify rather than delete this section. It probably would be preferable to keep the existing side and rear yard setback provisions for non-cluster development that abuts low density zoning districts, particularly the Conservation and Agricultural Residential Districts.

Part 6. Parking, Section 601, Table 6.1, Part B.6 – the Township should consider changing the proposed revision to say “...or one space for every six seats in the largest capacity room in the school, whichever is less restrictive”. In this case less restrictive is interpreted as being the scenario that requires the larger amount of parking spots.

Mr. Lighty felt it should be changed to say which ever scenario gives more parking spaces.

The Township should also modify Table 6.1 to rename Part E as Part D.

Part 8. General Regulations, Buffering, and Landscaping, Section 803.D.6.g, Buffer Yards – the Township may want the revised clause to indicate evergreen trees are preferred, but alternate buffer designs and locations may be approved.

Part 8. General Regulations, Buffering, and Landscaping Section 804.D, Parking Lot Landscaping – there are currently two Sections 804.D listed in the ordinance. The first one listed has a provision that is partially contradictory to the proposed regulation. It may be preferable to include the 5% interior landscaping provision with the requirement that landscaping be provided if there are 30 or more parking spaces in the parking lot.

Section 806.E, Dumpster Screening and Location – the Township may want to consider putting a time limit on temporary dumpsters placed on a site during construction or demolition that do not require buffering.

Mr. Guise agreed with the last comment, noting that a project that will last longer than a year the dumpster would be buffered.

Mr. Lighty asked the time frame to build a house. Mr. Kerschner answered 5 months for a house, but a commercial development could be much longer. He felt 12 months was a reasonable limit.

Mr. Guise felt it should say something like no unbuffered temporary dumpsters shall be allowed on a lot for longer than 12 months. Mr. Lighty agreed.

Mr. Neff asked about the County's comments regarding 319.G about building height as it relates to setbacks. He stated that Mr. Beverly's home is in an Institutional zone, so a 75-foot tall building could be built 75 feet from his property line. He felt that 75 feet was totally inadequate. It is adequate for 40 feet in height, but as the height goes up, it should go further back. Mr. Lighty felt that 75 feet was too high of a setback. Mr. Neff stated topography should also be considered. Mr. Millard stated he lives next to Villa Theresa and that building is fairly tall, and sits up on a hill. He does not view that as being an imposing building. Mr. Millard noted that his comment is more related to consistency than setbacks being inadequate. The comment says that the TND and R-3 requirements should be used in the IN as well to be consistent. All other districts in the Township have a maximum height of 40 feet and three stories.

Mr. Guise felt it would be appropriate for staff to review County's comments, and come up with a revised draft. Then the policy decisions can be worked out. The technical matters will not need such attention and can just be fixed. By then the County should also have their formal comments.

Mr. Guise made a motion to table ordinance 07-01 for corrective action. Mr. Beverly seconded the motion and the motion passed unanimously.

**Preliminary/Final Subdivision Plan #07-10**  
**Brown Farm**

Ms. Wissler stated that the purpose of this plan is to separate an existing dwelling and undeveloped land (Lot 2) from residual Lot 1. The tract consists of 47.08 acres and is located at 6370 Lyters Lane. The property is zoned R-1, Low Density Residential District and will be served by public water and public sewer.

The applicant has requested the following waivers:

1. Waiver of the requirement to submit a preliminary plan.
2. Waiver of the minimum cartway width requirement of 36 feet.
3. Waiver of the requirement to provide sidewalk and curbing along Lyters Lane.
4. Waiver of the requirement to provide a stormwater management plan.

David Weihbrecht, Alpha Consulting Engineers, was present on behalf of the plan.

Mr. Weihbrecht stated that the landowner is moving out of town and the potential purchaser wants the house, pool house and garage, but has no interest in the remaining 43 acres.

Some of the comments do not apply because the applicant is going for a non-building waiver so nothing can be done until the other studies are done. This plan simply cuts the house section off of the 43 acres. The other comments are technical and he has no problem meeting those.

Mr. Neff stated this is a case where Lot 2 will be developed, and Lot 1 has frontage and will not have roadway improvements. Mr. Hess stated that waiver #3 can be recommended for denial. He suggested that a provision be added that the right-of-way dedication should be done now, and the improvements can be done when the balance of the tract is developed.

Mr. Weihbrecht agreed that is appropriate and reasonable. He stated that right-of-way is proposed to be dedicated.

Mr. Guise felt the four waivers can be granted, but only until the time that a subdivision or land development plan is submitted to the Township. Mr. Weihbrecht suggested they put a note on the recorded plan that it shall be the responsibility of the developer of the residual tract to make all of the roadway improvements in compliance with the ordinance including Lot 1 and Lot 2. Mr. Neff asked if that would be on the deed. Mr. Weihbrecht stated he has no control over the deed, but will provide it on the plan.

Mr. Guise made a motion to recommend approval of the Preliminary/Final Subdivision Plan #07-10 for Brown Farm, and recommend approval of the four requested waivers, subject to addressing the comments. The motion is also subject to the applicant providing a note on the plan that in the event of future subdivision and/or development of Lot 1, all improvements waived by this action will be made along the frontages of both Lot 1 and Lot 2. Mr. Beverly seconded the motion, and the motion passed unanimously.

**Revised Preliminary/Final Land Development Plan #07-11**  
**Allentown Boulevard Storage**

Ms. Moran stated that this plan is a revised land development plan that will supersede previously approved and recorded plans for this property. This plan revises the number of stories of building one. The plan proposes a three-story, 17,400 square foot building for building one located south of the carwash.

On June 5, 2005, the Lower Paxton Township Board of Supervisors approved the original Allentown Boulevard Storage plan. On April 6, 2006, the Board of Supervisors approved a revised plan that proposed a two-bay automatic carwash in the northwest corner of the property.

This property is located east of Blue Ribbon Avenue along Allentown Boulevard and is served by an on-lot well and public sewer. The property is zoned Light Industrial and contains 8.2 acres.

The applicant has requested no waivers.

Ms. Moran noted that Site Specific comment #3 requires parking for self storage under the new ordinance.

Mr. Ken Laird, developer, and Mr. David Weihbrecht were present on behalf of the plan.

Mr. Weihbrecht stated that all of the buildings on the lot are already constructed, and the studies required are already on file with the Township, he simply did not resubmit them. He will provide that information. The new ordinance does require one parking space for every 25 units, whereas the old ordinance only required parking for the office, the buildings that already exist were done under the old ordinance so they do not have to be retrofitted. Generally, people park in front of their unit so there is no realistic issue, but parking can be shown on the plan using the outside lane as parallel parking still leaving a 26 foot wide area for driving, or the parking can be slanted or perpendicular, leaving a 16 foot wide driveway, meeting the one way requirements.

Mr. Millard noted with regard to comment #1, that the maximum height of the building is to be 40 feet. Mr. Weihbrecht stated that the cover is old and the plan will comply.

There was no comment from the audience.

Mr. Beverly made a motion to approve the plan subject to addressing the comments. Mr. Guise seconded the motion and the motion carried unanimously.

**Preliminary/Final Land Development Plan #07-12**  
**Dauphin County Volunteers of America (VOA) Living Center**

Mr. Guise made a motion to table the plan at the request of the applicant. Mr. Beverly seconded the motion and the motion carried unanimously.

**Revised Final Subdivision and Land Development Plan #07-13**  
**Patton Place, LLC**

Ms. Wissler stated that the purpose of this plan is to revise the previously approved Patton Place Final Land Development Plan by relocating the access easement to the former Leibenson property (now called LenMaur), to add an additional 2,167 square feet to the tract, and add additional parking spaces.

Mr. Brian Evans was present on behalf of the plan.

Mr. Evans stated that in discussions with the LenMaur developer, they have asked to move the easement to the southern portion of the property, close to the Baskin Robbins/Dunkin Donuts. The easement will be a stub and the LenMaur developer will continue the easement onto its property. They have agreed to a subdivision of the land to acquire 2,600 square feet of additional land in order to add 23 parking spaces to the Patton Place development. There is no additional development building or changes proposed. Mr. Evans stated he has no problem with any of the comments from the Township, County or Engineer.

Mr. Guise asked if there will be a restaurant in the Patton Place development. Mr. Evans stated there will probably be three, one of which will be Brother's Pizza, but in an upscale Italian restaurant setting, something a little more formal than a typical pizza shop. There will also be a fitness center, nail salon, cell phone store and stores similar to those uses. The businesses should start to open after Labor Day but before Thanksgiving.

Mr. Guise made a motion to approve the plan subject to the comments. Mr. Beverly seconded the motion and the motion carried unanimously.

#### **Public Comment**

There was no further public comment at this time.

#### **Commissioner Comment**

Mr. Lighty presented copies of the regulations for Business Improvement Districts and stated June 25, 2007 the guest speaker will be available, and he will try to set up a meeting with him and the Commission.

Mr. Lighty commented that he and the Commission greatly appreciate the new technology available during the Planning Commission meeting as provided by Gary Weisinger.

#### **Adjournment**

The next regular Planning Commission meeting is scheduled for July 11, 2007 at 7:00pm at the Lower Paxton Township Municipal Center, Room 171.

Being no further business, the meeting adjourned at 10:00 pm.

Respectfully Submitted,

Michelle Hiner  
Recording Secretary